IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3658 OF 2007

Smt.Shushrusha Ravindranath Chintalwad ...Petitioner

V/s.

State of Maharashtra & Ors. ...Respondents

Mr.N.V. Bandiwadekar for the Petitioner.

Mr.R.D. Rane, Government Pleader for the Respondents.

CORAM : D.K. DESHMUKH &
V.M. KANADE, JJ.

DATED : NOVEMBER 21, 2007

P.C. :-

. The husband of the petitioner by name Ravindranath was appointed in the post of Live Stock Development Officer against the post reserved for Scheduled Tribe. He was claiming that he was member of Mahadev Koli Tribe. His claim that he belongs to Mahadev Koli Tribe was held to be invalid by Scrutiny Committee by order dated 25.1.96. As a consequence of invalidity of caste certificate of the petitioner's husband, his services were terminated by order dated

6.2.2001. Admittedly, he did not challenge the order terminating his services. He expired on 15th April, 2005. Now his wife has filed this petition challenging the order of the Scrutiny Committee dated 25.1.96 as also the order terminating his services dated 6.2.2001. According to her, the order of Scrutiny Committee dated 25.1.96 should be set aside and the order terminating the services of her husband dated 6.2.2001 should also be set aside and he should be deemed to be in service till his death and therefore, under the policy of the Government for appointment on compassionate ground, she should be given an appointment.

2. Order dated 25.1.96 was made by the Scrutiny Committee during the life time of the husband. He did not challenge it. The petitioner, therefore, cannot be permitted to challenge the said order. Further, order dated 6.2.2001 terminating the services of the husband was also made during his life time. He did not challenge it. Assuming that he was suffering from any disability, the order could have been challenged through the petitioner as a next friend but she also has not

done it and therefore, the claim of the petitioner cannot be entertained.

3. Writ petition is dismissed.

(D.K. DESHMUKH, J.)

(V.M. KANADE, J.)